181	has a taste or smell of any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic
182	beverage, herb, mint, menthol, or spice.
183	(iii) "Flavored electronic cigarette product" does not include an electronic cigarette
184	product that has a taste or smell of only $\hat{\mathbf{H}} \rightarrow [\frac{\text{electronic cigarette}}{\text{cigarette}}]$ tobacco $\leftarrow \hat{\mathbf{H}}$.
185	[(c)] (e) "Licensee" means a person licensed under this section to conduct business as a
186	retail tobacco specialty business.
187	[(d)] (f) "Local health department" means the same as that term is defined in Section
188	26A-1-102.
189	[(e)] (g) "Retail tobacco specialty business" means a commercial establishment in
190	which:
191	(i) the sale of tobacco products accounts for more than 35% of the total quarterly gross
192	receipts for the establishment;
193	(ii) 20% or more of the public retail floor space is allocated to the offer, display, or
194	storage of tobacco products;
195	(iii) 20% or more of the total shelf space is allocated to the offer, display, or storage of
196	tobacco products; [or]
197	(iv) the retail space features a self-service display for tobacco products[-]; or
198	(v) any flavored electronic cigarette product is sold.
199	[(f)] (h) "Self-service display" means the same as that term is defined in Section
200	76-10-105.1.
201	[(g)] <u>(i)</u> "Tobacco product" means:
202	(i) any cigar, cigarette, or electronic cigarette as those terms are defined in Section
203	76-10-101;
204	(ii) a tobacco product as that term is defined in Section 59-14-102, including:
205	(A) chewing tobacco; or
206	(B) any substitute for a tobacco product, including flavoring or additives to tobacco;
207	and
208	(iii) tobacco paraphernalia as that term is defined in Section 76-10-104.1.
209	(2) The regulation of a retail tobacco specialty business is an exercise of the police
210	powers of the state, and through delegation, to other governmental entities.
211	(3) (a) A person may not operate a retail tobacco specialty business in a county unless

336	(1) As used in this section:
337	(a) "Cigarette" means the same as that term is defined in Section 59-14-102.
338	(b) (i) "Face-to-face exchange" means a transaction made in person between an
339	individual and a retailer or retailer's employee.
340	(ii) "Face-to-face exchange" does not include a sale through a:
341	(A) vending machine; or
342	(B) self-service display.
343	(c) (i) "Flavored electronic cigarette" means an electronic cigarette that has a taste or
344	smell that is distinguishable by an ordinary consumer either before or during use or
345	consumption of the electronic cigarette.
346	(ii) "Flavored electronic cigarette" includes an electronic cigarette that has a taste or
347	smell of any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb,
347a	Ĥ→ <u>mint</u> , ←Ĥ
348	menthol, or spice.
349	(iii) "Flavored electronic cigarette" does not include an electronic cigarette that has a
350	taste or smell of only tobacco.
351	[(c)] <u>(d)</u> "Retailer" means a person who:
352	(i) sells a cigarette, tobacco, or an electronic cigarette to an individual for personal
353	consumption; or
354	(ii) operates a facility with a vending machine that sells a cigarette, tobacco, or an
355	electronic cigarette.
356	[(d)] (e) "Self-service display" means a display of a cigarette, tobacco, or an electronic
357	cigarette to which the public has access without the intervention of a retailer or retailer's
358	employee.
359	[(e)] (f) "Tobacco" means any product, except a cigarette, made of or containing
360	tobacco.
361	[(f)] (g) "Tobacco specialty shop" means a "retail tobacco specialty business" as that
362	term is defined:
363	(i) as it relates to a municipality, in Section 10-8-41.6; and
364	(ii) as it relates to a county, in Section 17-50-333.
365	(2) Except as provided in Subsection (3), a retailer may sell a cigarette, tobacco, or an
366	electronic cigarette only in a face-to-face exchange.

398	government[-]; and
399	(ii) an ordinance, regulation, or rule relating to the sale, placement of a flavored
400	electronic cigarette.
401	Section 6. Section 76-10-105.1 (Effective 07/01/20) is amended to read:
402	76-10-105.1 (Effective 07/01/20). Requirement of direct, face-to-face sale of
403	cigarettes, tobacco, and electronic cigarettes Minors not allowed in tobacco specialty
404	shop Penalties.
405	(1) As used in this section:
406	(a) "Cigarette" means the same as that term is defined in Section 59-14-102.
407	(b) (i) "Face-to-face exchange" means a transaction made in person between an
408	individual and a retailer or retailer's employee.
409	(ii) "Face-to-face exchange" does not include a sale through a:
410	(A) vending machine; or
411	(B) self-service display.
412	(c) (i) "Flavored electronic cigarette" means an electronic cigarette that has a taste or
413	smell that is distinguishable by an ordinary consumer either before or during use or
414	consumption of the electronic cigarette.
415	(ii) "Flavored electronic cigarette" includes an electronic cigarette that has a taste or
416	smell of any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb,
416a	Ĥ→ <u>mint</u> , ←Ĥ
417	menthol, or spice.
418	(iii) "Flavored electronic cigarette" does not include an electronic cigarette that has a
419	taste or smell of only tobacco.
420	[(e)] (d) "Retailer" means a person who:
421	(i) sells a cigarette, tobacco, or an electronic cigarette to an individual for personal
422	consumption; or
423	(ii) operates a facility with a vending machine that sells a cigarette, tobacco, or an
424	electronic cigarette.
425	[(d)] <u>(e)</u> "Self-service display" means a display of a cigarette, tobacco, or an electronic
426	cigarette to which the public has access without the intervention of a retailer or retailer's
427	employee.
428	[(e)] (f) "Tobacco" means any product, except a cigarette, made of or containing